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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,880	10/07/2004	Sidney C. Alford	16170.1	1313
22913 75 WORKMAN NY	590 03/07/2007 ZDEGGER	EXAMINER		
(F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			ELDRED, JOHN W	
			ART UNIT	PAPER NUMBER
			3641	
	<u>.</u>			
SHORTENED STATUTORY	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)			
Office Action Commence	10/500,880	ALFORD, SIDNEY C.			
Office Action Summary	Examiner	Art Unit			
	J. Woodrow Eldred	3641			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	L. ely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status	·				
1) ⊠ Responsive to communication(s) filed on 15 December 2a) ☐ This action is FINAL. 2b) ⊠ This 3) ☐ Since this application is in condition for allower closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) Claim(s) 1-7 and 9-20 is/are pending in the application. 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1,2,4,9-11 and 16 is/are rejected. 7) Claim(s) 3, 5, 6, 17-20 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the output of the output of the examine sheet (s) including the correct and the output of the examine sheet (s) including the correct of the output of the examine sheet (s) including the correct of the output of the examine sheet (s) including the correct of the examine sheet (s) including the examine sheet (s) inc	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Application rity documents have been receive u (PCT Rule 17.2(a)).	on No d in this National Stage			
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te			

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DETAILED ACTION

1. Claims 12-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 12-15-06.

The restriction is being maintained for these claims since they involve moving a wall of the container instead of a projectile wall, as in the elected claims.

- 2. This application contains claims 12-15 drawn to an invention nonelected with traverse in Paper No. 12152006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
- 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1, 2, 4, 7, 9, 11, and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pihl et al (2,083,665).

Pihl et al disclose all claimed elements of the single use "disruptor" including a cartridge comprising a container 5 formed of material which is destroyed upon firing, a projectile 7, and "spacer elements" 6, 8 (i.e. the threads on the container 6 and projectile 7) which allow the projectile to be positioned at a number of positions as it is screwed into the container, and an enclosure for powder formed by the container and the end of the projectile. See especially Figure 2.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pihl et al (2,083,665) in view of either one of Miller, Jr. (2,532,323) or Swank (5,943,749).

Pihl et al disclose all claimed elements of the single use "disruptor" including a cartridge comprising a container 5 formed of material which is destroyed upon firing, a projectile 7, and "spacer elements" 6, 8 (i.e. the threads on the container 6 and projectile 7) which allow the projectile to be positioned at a number of positions as it is screwed into the container, and an enclosure for powder formed by the container and the end of the projectile. See especially Figure 2. Pihl et al fail to show a particular material from which the projectile is made, in particular magnesium, zirconium, or titanium are not disclosed. Miller, Jr. and Swank each teach that it is known to form a bullet from magnesium and Swank also teaches bullets formed from zirconium. See column 3, lines 1-10 of Miller, Jr. and column 4, lines 27-35 of Swank. Motivation to combine is the mere use of a particular known material for a bullet in place of unspecified materials. To employ the teachings of Miller, Jr. or Swank on the cartridge of Pihl et al and have magnesium forming the projectile is considered to have been obvious to one having ordinary skill in the art.

- 7. Claims 3, 5, 6, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Woodrow Eldred Primary Examiner Art Unit 3641

JWE